

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE:

ANDREW E. LAVOIE

Debtor,

Chapter 13

Case No.: 23-12006

**NOTICE OF INTENDED PRIVATE SALE OF PROPERTY, SOLICITATION OF
COUNTEROFFERS, DEADLINE FOR SUBMITTING OBJECTIONS AND HIGHER
OFFERS, AND HEARING DATE**

March 28, 2025

IS THE DATE OF THE PROPOSED SALE

March 11, 2025 at 11:59 p.m.

**IS THE DATE BY WHICH OBJECTIONS OR
COUNTEROFFERS MUST BE MADE**

NOTICE is hereby given, pursuant to 11 U.S.C. Section 363, Fed. R. Bankr. P. 2002(a)(2) and 6004, and MLBR 2002-5 and 6004-1, that the Debtor, Andrew E. Lavoie, intends to sell at private sale the Debtor's right, title and interest in certain real property of the estate.

PROPERTY TO BE SOLD:

The property to be sold is known as 376 SUMMER STREET NEW BEDFORD, MA 02740 (also “the real estate” herein), and being all and the same premises as shown on a deed to Andrew E. Lavoie dated April 18, 2019 and recorded at the South Bristol County Registry at Book # 12767, Page 261.

THE OFFER:

The Debtor has received an offer to purchase the property for the sum of Four Hundred Twenty One Thousand Dollars (\$421,000.00).

THE PROPOSED BUYER:

The proposed buyer is Brothers Home Renovations LLC (also “Buyer” herein) with an address at 340 Davis Street Apt. 1 New Bedford, MA 02746. Brothers Home Renovations LLC or its members are not related to the Debtor.

THE SALE DATE:

The closing is currently scheduled for March 28, 2025, pending Court approval. The terms of the proposed sale are more particularly described in the Motion For Leave to Approve the Intended Private Sale of Real Estate at 376 SUMMER STREET NEW BEDFORD, MA 02740 (also “Motion to Approve Sale” herein) to which this Notice of Intended Private Sale is attached and signed PURCHASE AND SALE AGREEMENT. The “Motion to Approve Sale” and signed PURCHASE AND SALE AGREEMENT are available at no charge upon request from the undersigned.

The “Buyer” has sufficient funds to enable him to complete the purchase of “the real estate” as proposed with financing. The “Buyer” reasonably anticipates that he shall be ready, willing, and able to close on March 28, 2025. The sale is subject only to the allowance of the “Motion to Approve Sale” to record.

SALE FREE AND CLEAR OF LIENS:

“The real estate” will be sold free and clear of all liens, claims, and encumbrances. Any perfected, enforceable valid lien shall attach to the proceeds of the sale according to priorities established under applicable law.

COUNTEROFFER OR OBJECTIONS:

Any objections to the sale and/or higher offers must be filed in writing with the Clerk, United States Bankruptcy Court at John W. McCormack Post Office and Court House, 5 Post Office Square, Suite 1150, Boston, Massachusetts 02109-3945 on or before

March 11, 2025 at 11:59 p.m. (the “Objection Deadline”). A copy of any objection or higher offer also shall be served upon the undersigned. Any objection to the sale must state with particularity the grounds for the objection and why the intended sale should not be authorized. Any objection to the sale shall be governed by Fed. R. Bankr. P. 9014.

Through this Notice, higher offers for “the real estate” are hereby solicited. Any higher offer must be accompanied by a cash deposit of \$20,000.00 in the form of a certified or bank check made payable to the undersigned as counsel for the Debtor. Higher offers must be on the same terms and conditions provided in the proposed Contract to Purchase, other than the purchase price.

HEARING:

A telephonic hearing on the “Motion to Approve Sale”, objections or higher offers is scheduled to take place on **March 13, 2025 at 1:00 p.m.** before the Honorable Bankruptcy Judge Christopher J. Panos, in Courtroom 1, John W. McCormack Post Office and Court House, 5 Post Office Square, Boston, Massachusetts 02109, with an option to appear by Zoom video

(except that at least one representative of each respective bidder, both with respect to the original offeror and any competing offerors, who should appear in person). To obtain the video access information for the hybrid hearing, parties in interest must email the Courtroom Deputy at cjp_courtroom_deputy@mab.uscourts.gov by **March 12, 2025 at 4:00 p.m.**, providing the contact information for the party seeking to appear by video. Any party who has filed an objection or higher offer is expected to be present at the hearing, failing which the objection may be overruled or the higher offer stricken. The Court may take evidence at any hearing on approval of the sale to resolve issues of fact. If no objection to the “Motion to Approve Sale” or higher offer is timely filed, the Court, in its discretion, may cancel the scheduled hearing and approve the sale without hearing.

At the hearing on the sale the Court may (1) consider any requests to strike a higher offer, (2) determine further terms and conditions of the sale, (3) determine the requirements for further competitive bidding, and (4) require one or more rounds of sealed or open bids from the original offeror and any other qualifying offeror.

DEPOSIT:

The deposit will be forfeited to the estate if the successful purchaser fails to complete the sale by the date ordered by the Court. If the sale is not yet completed by the buyer approved by the Court, the Court, without further hearing, may approve the sale of “the real estate” to the next highest bidder.

Any questions concerning the intended sale shall be addressed to the undersigned.

Respectfully Submitted,
The Debtor,
By His Attorney,

/s/ Peter M. Daigle
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Dated: February __, 2025